

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHRISTINE BOONE,

Plaintiff

v.

**PENNSYLVANIA OFFICE OF
VOCATIONAL REHABILITATION,
et al.,**

Defendants

CIVIL NO. 1:CV-04-0588

JUDGE SYLVIA H. RAMBO

MEMORANDUM AND ORDER

Before the court is Plaintiff's petition for attorneys' fees and nontaxable costs and Plaintiff's bill of costs. Of immediate concern to the court is Plaintiff's claim that upon checking with the Clerk of Court, she was informed that receipts need not be filed with a petition for costs. This judicial officer, however, does require receipts when ruling on a petition for costs. Furthermore, 18 U.S.C. § 1821(c)(1) does require receipts for witnesses' travel by common carrier.

Of further concern to this court is the prevailing fees for Ms. Mizel and Mr. Stokes. The general rule is that a reasonable hourly rate is calculated according to the prevailing market rates in the community. *Washington v. Philadelphia County Court of Common Pleas*, 89 F.3d 1031, 1025 (3d Cir. 1996). It also appears that the rates requested may not be the usual local billable rates.

In addition to the above, there are billable hours for people for whom no affidavits have been submitted attesting to their background, experience and usual market rates,

IT IS THEREFORE ORDERED THAT within twenty (20) days of the date of this order, Plaintiff shall submit to this court the following:

- 1) Receipts for all requested reimbursement for the bill of costs and non-taxable costs;
- 2) Proof of the usual office billing rate during the period of the captioned case for attorneys Stokes and Mizel; and
- 3) Affidavits for all other attorneys for whom work is claimed setting forth their education, experience and usual billing rates.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge

Dated: May 23, 2006.